FOR ENTRY OF PRELIMINARY INJUNCTION

By the instant Fifth Application for Preliminary Injunction (#113) Plaintiff Chanel, Inc. ("Chanel"), moves for entry of a preliminary injunction against Defendants, the Partnerships and Unincorporated Associations identified on Schedule "A" attached hereto ("Defendants 1017 - 1114"), for alleged violations of the Lanham Act, 15 U.S.C. §§ 1114, and 1125(a) and (d).

The Court convened the hearing on March 7, 2012, at which only counsel for Plaintiff was present and available to present evidence supporting the Application for Preliminary Injunction. Defendants 1017-1114 have not responded to the Application for Preliminary Injunction, made any filing in this case, nor have Defendants 1017-1114 appeared in this matter either individually or through counsel. Because Plaintiff has satisfied the requirements for the issuance of a preliminary injunction, the Court will grant Plaintiff's Application for Preliminary Injunction.

I. Factual and Procedural Background

On February 24, 2012, the Court entered a temporary restraining order on the following facts from Plaintiff's Second Amended Complaint, *Ex Parte* Fifth Application for Entry of a Temporary Restraining Order and Preliminary Injunction, and supporting evidentiary submissions.

Chanel is a corporation duly organized under the laws of the State of New York with its principal place of business in the United States located at Nine West 57th Street, New York, New York 10019. (Second Amended Compl. \P 3.) Chanel operates boutiques throughout the world, including within this Judicial District. See id. Chanel is, in part, engaged in the business of manufacturing and distributing throughout the world, including within this Judicial District, a variety of high quality luxury goods. (Declaration of Adrienne Hahn Sisbarro in Support of Plaintiff's Fifth Ex Parte Application for TRO ["Hahn Fifth Decl."] \P 5.)

Chanel is, and at all times relevant hereto has been, the owner of all rights in and to the following trademarks:

Trademark	Registration Number	Registration Date	Class(es)/Goods
CHANEL	0,612,169	September 13, 1955	IC 014 – Necklaces

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- 11.				
1 2	CHANEL	0,626,035	May 1, 1956	IC 018 – Women's Handbags
3	CHANEL	0,902,190	November 10, 1970	IC 014 - Bracelets, Pins, and Earrings
5 6	CHANEL	0,915,139	June 15, 1971	IC 025 - Women's Shoes
7 8	CHANEL	0,955,074	March 13, 1973	IC 014 – Watches
9 10 11	®	1,241,264	June 7, 1983	IC 025 - Suits, Jackets, Skirts, Dresses, Pants, Blouses, Tunics, Sweaters, Cardigans, Tee-Shirts, Coats, Raincoats, Scarves, Shoes and Boots
12 13	CHANEL	1,241,265	June 7, 1983	IC 025 - Suits, Jackets, Skirts, Dresses, Pants, Blouses, Tunics, Sweaters, Cardigans, Coats, Raincoats, Scarves, Shoes and Boots
15 16	®	1,271,876	March 27, 1984	IC 025 - Clothing-Namely, Coats, Dresses, Blouses, Raincoats, Suits, Skirts, Cardigans, Sweaters, Pants, Jackets, Blazers, and Shoes
17 18	(9)	1,314,511	January 15, 1985	IC 018 - Leather Goods-Namely, Handbags
19 20	CHANEL	1,347,677	July 9, 1985	IC 018 - Leather Goods-namely, Handbags
21 22 23				IC 006 – Keychains IC 014 - Costume Jewelry
24 25		1,501,898	August 30, 1988	IC 016 - Gift Wrapping Paper IC 025 -Blouses, Shoes, Belts,
26 27				Scarves, Jackets, Men's Ties IC 026 – Brooches and Buttons for Clothing
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- 11				
1 2	CHANEL	1,510,757	November 1, 1988	IC 009 – Sunglasses
3 4	30	1,654,252	August 20, 1991	IC 009 – Sunglasses
5 6 7 8	CHANEL	1,733,051		IC 018 - Leather Goods; namely, Handbags, Wallets, Travel Bags, Luggage, Business and Credit Card Cases, Change Purses, Tote Bags, Cosmetic Bags Sold Empty, and Garment Bags for Travel
9 10 11	3	1,734,822	November 24, 1992	IC 018 - Leather Goods; namely, Handbags, Wallets, Travel Bags, Luggage, Business Card Cases, Change Purses, Tote Bags, and Cosmetic Bags Sold Empty
12 13	J12	2,559,772	April 9, 2002	IC 014 -Timepieces; namely, Watches, and Parts Thereof
15	Œ	3,025,934	December 13, 2005	IC 018 – Handbags .
16 17 18 19 20	30:	3,025,936	December 13, 2005	IC 009 -Mobile Phone Straps, Eyeglass Frames, Sunglasses IC 025 - Gloves, Swimwear IC 026 - Hair Accessories namely Barrettes and Pony-Tail Holders
21 22	CHANEL	3,133,139	August 22, 2006	IC 014 - Jewelry and Watches

(the "Chanel Marks") which are registered on the Principal Register of the United States Patent and Trademark Office and are used in connection with the manufacture and distribution of high quality goods in the categories identified above. (Declaration of Adrienne Hahn Sisbarro in Support of Plaintiff's Ex Parte Application for TRO (DE 7-14) ["Hahn Decl."]; see also United States

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Trademark Registrations of the Chanel Marks at issue ["Chanel Trademark Registrations"] attached as Exhibit A to the Hahn Decl. (DE 7-15)).

Defendants 1017-1114, via the domain names identified on Schedule "A" hereto (the "Group VII Subject Domain Names"), have advertised, promoted, offered for sale, and/or sold, at least, handbags, wallets, shoes, boots, sunglasses, watches, costume jewelry, including necklaces, bracelets, earrings, brooches, and rings bearing what Plaintiff has determined to be counterfeits, infringements, reproductions, and/or colorable imitations of the Chanel Marks. Although each of the Defendants may not copy and infringe each Chanel Mark for each category of goods protected, Chanel has submitted sufficient evidence showing each Defendant has infringed, at least, one or more of the Chanel Marks. (Hahn Fifth Decl. ¶¶ 11-15; Declaration of Malerie Maggio in Support of Plaintiff's Fifth Ex Parte Application for Entry of Temporary Restraining Order and Preliminary Injunction ["Maggio Decl."] ¶ 4.) Defendants 1017-1114 are not now, nor have they ever been, authorized or licensed to use, reproduce, or make counterfeits, infringements, reproductions, and/or colorable imitations of the Chanel Marks. (Hahn Fifth Decl. ¶ 9.)

Plaintiff's counsel again retained Malerie Maggio ("Maggio") of Investigative Consultants, a licensed private investigative firm, to investigate suspected sales of counterfeit Chanel branded products by Defendants 1017-1114. (Hahn Fifth Decl. ¶ 10; Maggio Decl. ¶ 3.) On February 14, 2012, Maggio accessed the Internet websites operating under the three of the domain names at issue in this action, chaneljewelery.org, chanelsunglassonsale.com, chanelreplica.us, finalized the purchases of three (3) products, including a necklace, a pair of sunglasses, and a wallet, and requested each product purchased be shipped to her address in Las Vegas, Nevada. (Maggio Decl. ¶ 4 and Composite Exhibit A attached thereto.) Maggio's purchases were processed entirely online, which included providing shipping and billing information, payment, and confirmation of her orders. (Maggio Decl. ¶ 4 and Composite Exhibit A attached thereto.)

Thereafter, a representative of Chanel, Adrienne Hahn Sisbarro, reviewed and visually inspected the web page listings, including images, for each of the Chanel branded goods purchased by Maggio and determined the items were non-genuine Chanel products. (Hahn Fifth Decl. ¶¶ 11-12,

15.) Additionally, Hahn reviewed and visually inspected the items bearing the Chanel Marks offered for sale via the Internet websites operating under the partnership and/or unincorporated association names identified on Schedule "A" hereto, the Group VII Subject Domain Names, and determined the products were non-genuine Chanel products. (Hahn Fifth Decl. ¶¶ 13-15 and Composite Exhibits A and B attached thereto.)

On February 22, 2012, Plaintiff filed its Notice of Identification of Defendants 1017 - 1114, previously identified as Does 617-714 (#112). On February 22, 2012, Plaintiff filed its Fifth Ex Parte Application for Entry of a Temporary Restraining Order and Preliminary Injunction (# 113). On February 24, 2012, the Court issued an Order Granting Plaintiff's Fifth Ex Parte Application for a Temporary Restraining Order and temporarily restrained the Defendants from infringing the Chanel Marks at issue (#115). Pursuant to the Court's February 24, 2012 Order, Plaintiff provided Defendants 1017-1114 with notice and copies of the Court's February 24, 2012 Order and Plaintiff's Fifth Ex Parte Application for Entry of a Temporary Restraining Order and Preliminary Injunction, via email to the email address(es) reflected in the domain registration data for the Group VII Subject Domain Names, via email to the email address(es) provided on the Internet websites operating under the Group VII Subject Domain Names, electronically via the contact submission web page provided on the websites for the Group VII Subject Domain Names, and/or via email to the registrar of record for each of the Group VII Subject Domain Names.

II. Conclusions of Law

The declarations and supporting evidentiary submissions Plaintiff submitted in support of its

Applications for Preliminary Injunction support the following conclusions of law:

A. Plaintiff has a very strong probability of proving at trial that consumers are likely to be confused by the Defendants 1017-1114's advertisement, promotion, sale, offer for sale, and/or distribution of handbags, wallets, shoes, boots, sunglasses, scarves, tee shirts, watches, and costume

As of the date of preliminary injunction hearing conducted on March 7, 2012, the redirection of the Group VII Subject Domain Names to the serving site, http://servingnotice.com/sdv/index.html, has not been finalized. Although Defendants 1017-1114 have received notice of the Court's February 24, 2012 Order and the March 7, 2012 hearing via the electronic notification methods authorized by the Court.

products; and that Plaintiff may suffer loss of sales for its genuine products;

3. Plaintiff has well-founded fears that unless the injunction is granted,
Defendants 1017-1114 can easily and quickly transfer the registrations for many of the Group VII

other websites, thereby thwarting Plaintiff's ability to obtain meaningful relief;

4 The balance of potential harm to Defendants 1017-1114 in restraining their trading in counterfeit and infringing branded goods if a preliminary injunction is issued is far

Subject Domain Names, or modify registration data and content, change hosts, and redirect traffic to

jewelry, including necklaces, bracelets, earrings, brooches, and rings bearing counterfeits, infringements, reproductions, and/or colorable imitations of the Chanel Marks, and that the products the Defendants are selling are copies of Plaintiff's products that bear marks which are substantially indistinguishable from and/or colorful imitations of the Chanel Marks on handbags, wallets, shoes, boots, sunglasses, scarves, tee shirts, watches, and costume jewelry, including necklaces, bracelets, earrings, brooches, and rings.

- B. Because of the infringement of the Chanel Marks, Plaintiff is likely to suffer immediate and irreparable injury if a preliminary injunction order is not granted. It clearly appears from the following specific facts, as set forth in Plaintiff's Second Amended Complaint, Plaintiff's Application for Preliminary Injunction, and accompanying declarations on file, that immediate and irreparable loss, damage, and injury will result to Plaintiff and to consumers because it is more likely true than not that:
- 1. Defendants 1017-1114 own or control Internet business operations which advertise, promote, offer for sale, and sell, at least, handbags, wallets, shoes, boots, sunglasses, scarves, tee shirts, watches, and costume jewelry, including necklaces, bracelets, earrings, brooches, and rings bearing counterfeit and infringing trademarks in violation of Plaintiff's rights;
- 2. Plaintiff has well-founded fears that more counterfeit and infringing handbags, wallets, shoes, boots, sunglasses, scarves, tee shirts, watches, and costume jewelry, including necklaces, bracelets, earrings, brooches, and rings bearing Plaintiff's trademarks will appear in the marketplace; that consumers may be misled, confused, and disappointed by the quality of these products; and that Plaintiff may suffer loss of sales for its genuine products;

outweighed by the potential harm to Plaintiff, its reputation and goodwill as a manufacturer of high quality handbags, wallets, shoes, boots, sunglasses, scarves, tee shirts, watches, and costume jewelry, including necklaces, bracelets, earrings, brooches, and rings, if such relief is not issued; and

5. The public interest favors issuance of the preliminary injunction in order to protect Plaintiff's trademark interests and the public from being defrauded by the palming off of counterfeit goods as Plaintiff's genuine goods.

Accordingly, after due consideration, it is

ORDERED AND ADJUDGED that Plaintiff's Application for Entry of a Preliminary Injunction (# 113) hereby is **GRANTED** as follows

- (1) Defendants 1017-1114, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants 1017-1114 having notice of this Preliminary Injunction are hereby restrained and enjoined, pending termination of this action:
 - (a) From manufacturing, importing, advertising, promoting, offering to sell, selling, distributing, or transferring any products bearing the Chanel Marks, or any confusingly similar trademarks, other than those actually manufactured or distributed by Plaintiff; and
 - (b) From secreting, concealing, destroying, selling off, transferring, or otherwise disposing of: (i) any products, not manufactured or distributed by Plaintiff, bearing the Chanel Marks, or any confusingly similar trademarks; or (ii) any evidence relating to the manufacture, importation, sale, offer for sale, distribution, or transfer of any products bearing the Chanel Marks, or any confusingly similar trademarks.
- (2) Defendants 1017-1114, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with the Defendants having notice of this Preliminary Injunction shall, until the conclusion of this action, discontinue the use of the Chanel Marks or any confusingly similar trademarks, on or in connection with all Internet websites

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owned and operated, or controlled by them including the Internet websites operating under the Group VII Subject Domain Names:

- (3) Defendants 1017-1114, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with the Defendants 1017-1114 having notice of this Preliminary Injunction shall, until the conclusion of this action, discontinue the use of the Chanel Marks, or any confusingly similar trademarks within domain name extensions, metatags or other markers within website source code, from use on any webpage (including as the title of any web page), any advertising links to other websites, from search engines' databases or cache memory, and any other form of use of such terms which is visible to a computer user or serves to direct computer searches to websites registered by, owned, or operated by the Defendants 1017-1114, including the Internet websites operating under the Group VII ? ubject Domain Names;
- Defendants 1017-1114 shall not transfer ownership of the Group VII Subject Domain Names during the pendency of this Action, or until further Order of the Court;
- The do nain name Registrars for the Group VII Subject Domain Names are directed, (5) to the extent it is not already done, to transfer to Plaintiff's counsel, for deposit with this Court, domain name certificates for the Group VII Subject Domain Names;
- Upon Plaintiff's request, the privacy protection services for any Group VII Subject (6) Domain Names for which the Registrant uses such privacy protection service to conceal the Registrant's identity and contact information are ordered to disclose to Plaintiff the true identities and contact information of those Registrants;
- The Registrars and the top-level domain (TLD) Registries for the Group VII Subject **(7)** Domain Names, upon receipt of this Preliminary Injunction shall, to the extent it is not already done, shall change or assist in changing, the Registrar of record for the Group VII Subject Domain Names, excepting any such comain names which such Registries have been notified in writing by the Plaintiff have been or will be dismissed from this action, to a holding account with the United States based Registrar, GoDaddy.com, Inc. As a matter of law, this Preliminary Injunction shall no longer apply to any Defendant or associated domain name dismissed from this action. GoDaddy.com, Inc.

- Court during the pendency of this action. Additionally, GoDaddy.com, Inc., upon receipt of this Order, shall, to the extent not already done, immediately update and/or not modify the Domain Name System ("DNS") data it maintains for the Group VII Subject Domain Names, which link the domain names to the IP addresses where their associated websites are hosted, from NS1.MEDIATEMPLE.NET and NS2.MEDIATEMPLE.NET, which currently causes the domain names to resolve to the website where a copy of the Complaint, First Amended Complaint, Second Amended Complaint, Summonses, all Orders, and all other documents on file in this action are displayed. Alternatively, GoDaddy.com, Inc. may, to the extent not already done, institute and/or maintain a domain name forwarding which will automatically redirect any visitor to the Group VII following Uniform Locator ("URL") Names the Resource http://servingnotice.com/sdv/index.html whereon copies of the Complaint, First Amended Complaint, Second Amended Complaint, Summonses, Orders, and all other documents on file in this action are displayed. The Group VII Subject Domain Names shall be maintained on Lock status, preventing the modification or deletion of the domains by the registrar or the Defendants;
- (8)Plaintiff may enter and/or continue to enter the Group VII Subject Domain Names into Google's Webmaster Tools and cancel any redirection of the domains that have been entered there by Defendants 1017-1114 which redirect traffic to the counterfeit operations to a new domain name and thereby evade the provisions of this Preliminary Injunction;
- (9) Defendants 1017-1114 shall preserve and/or continue to preserve copies of all their computer files relating to the use of any of the Group VII Subject Domain Names and shall continue to take all steps necessary to retrieve computer files relating to the use of any of the Group VII Subject Domain Names and that may have been deleted before the entry of this Preliminary Injunction;
- (10)Plaintiff shall maintain its bond in the amount of Twenty-Thousand Dollars and Zero Cents (\$20,000.00), as payment of damages to which the Defendants may be entitled for a wrongful injunction or restraint, during the pendency of this action, or until further Order of the Court;

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- (11) This Preliminary Injunction shall remain in effect during the pendency of this action, or until such further date as set by the Court or stipulated to by the parties;
- (12) This Preliminary Injunction shall apply to the Group VII Subject Domain Names and any other domain names properly brought to the Court's attention and verified by sworn affidavit which verifies such new domain names are being used by Defendants 1017-1114 for the purpose of counterfeiting the Chanel Marks at issue in this action and/or unfairly competing with Chanel in connection with search engine results pages.

IT IS SCORDERED.

DATED: March 7, 2012

Kent J. Dawson

United States District Judge

SCHEDULE A DEFENDANTS BY SUBJECT DOMAIN NAMES AND DEFENDANT NUMBER

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3	Defendant #	Domain Name
	Defendant 1017	chanelbagsoutletou.net
4	Defendant 1017	chanelbagshop.net
	Defendant 1017	chanelhandbagshop.net
5	Defendant 1017	usachanelbags.com
6	Defendant 1018	chaneljewelery.org
Ŭ	Defendant 1019	chanelbags4uk.com
7	Defendant 1020	chaneloutletofficial.net
	Defendant 1020	chaneloutletstores.net
8	Defendant 1021	chanelbagstote.com
9	Defendant 1021	bestbagsforyou.net
•	Defendant 1021	coco-bags.net
10	Defendant 1021	cocochanelonline.com
	Defendant 1021	officialchanelstore.com .
11	Defendant 1021	uchanelbags.com
12	Defendant 1021	replicahandbagsonsale.com
	Defendant 1022	ok-replicak.com
13	Defendant 1023	brandnamecommodity.com
	Defendant 1024	cclogochaneljewelry.com
14	Defendant 1025	chanelccjewelryonsale.com
15	Defendant 1026	chanelccjewelrystore.com
	Defendant 1027	chanelhairclipsonsale.com
16	Defendant 1028	chanelnecklacecclogo.com
4-	Defendant 1029	chanelsunglassonsale.com
17	Defendant 1030	designerchanelccearrings.com
18	Defendant 1031	chanelbags6v.com
	Defendant 1032	chanelaustraliabags.com
19	Defendant 1033	chanelonlinehandbagspursesoutlet.com
20	Defendant 1034	chanelhandbagsoutlet.biz .
20	Defendant 1035	chaneloutlet-onlines.com
21	Defendant 1036	chanelseo.com
	Defendant 1037	chanelsskyhouse.com
22	Defendant 1038	cochaneloutletsstore.com
23	Defendant 1039	stylishchanelbagoutlets.com
23	Defendant 1939	baychaneloutlet.com
24	Defendant 1039	chanelfashionlive.com
1	Defendant 1039	chaneloutletcove.com '
25	Defendant 1039	onlinebestchanel.com
26	Defendant 1039 Defendant 1040	onlinechanelbags.com chaneloutlet-stores.com
20	Defendant 1040	chaneloutlets-stores.com
27	Defendant 1040 Defendant 1041	Chanelpurse-outlet.com
_	Defendant 1041	chanelpurse-outlets.com
28	Detendant 1041	onanciparscouries.com

	Tan. 10 3 4 4 4 4	
1	Defendant 1042	bestdesignersneaker.com
.	Defendant 1043	designerdiscountsalewell.com
2	Defendant 1044	sneakerscheapest.com
_	Defendant 1045	wholesale-cheapsjewelry.com
3	Defendant 1046	chanelvhandbags.com
4	Defendant 1047	radowatchhome.com
	Defendant 1048	hotcosmetic.com
5	Defendant 1049	guccidglv.com
	Defendant 1050	myreplicawatches.net
6	Defendant 1051	replicachanelwatches.org
7	Defendant 1052	takeoffbags.com
	Defendant 1053	bestchanelhandbag.net
8	Defendant 1054	toootrade.com
	Defendant 1055	econlinecheap.com .
9	Defendant 1056	beautifulgirlshoe.com
10	Defendant 1057	chanlhandbagos.com
	Defendant 1058	chanelclassicbagsstore.net
11	Defendant 1059	2012-chanelbags.net
	Defendant 1059	2012newchanelbags.com
12	Defendant 1059	2012-chanelbags.com
13	Defendant 1060	chanelbagsukstore.net
	Defendant 10/51	chanelblackbags.com
14	Defendant 1052 Defendant 1063	classicchanelflapbag.net
4.5	Defendant 1063 Defendant 1064	mixfinery.com datoutu.com
15	Defendant 1064 Defendant 1065	hotbrands4u.com
16	Defendant 1065 Defendant 1066	lovingsigil.com
	Defendant 1000	mixjewelry.com
17	Defendant 1068	bagtop3.com
18	Defendant 1009	chanelbags-sunglasses.com
10	Defendant 1070	chanelclearancesale.com
19	Defendant 1071	chanel-onlinesshopping.com
	Defendant 1072	chanel-outletstore.com
20	Defendant 1073	chanelspace.com
21	Defendart 1074	miniads.biz
- '	Defendant 1074	cheapbagsdepot.com
22	Defendant 1075	cheapbagsell.com
	Defendant 1076	cheapbagsoultet.com
23	Defendant 1077	cheapbrand88.com
24	Defendant 1078	cheapdesignerweb.com
_	Defendant 1079	cheapjerseys-handbags.us
25	Defendant 1cf30	cheapjewelrystores.org
	Defendant 1931	cheapluxurystore.com
26	Defendant 1032	chinaonlinesale.com
27	Defendant 1083	cocochanelbags.us
	Defendant 1084	designerhandbag-herve-leger.com
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Defendant 1085	discounthandbagswatches.com
Defendant 1086	durham-ems.com
Defendant 1087	everyjewelery.com
Defendant 1088	fadbase.com
Defendant 1089	fragrancechanel.com ·
Defendant 1090	mynewerahats.com
Defendant 1091	newbagoutlet.net
Defendant 1092	nicshoe.com
Defendant 1093	online-cheap-handbags.com
Defendant 10°4	popham08.com
Defendant 1095	replica1854.com
Defendant 1096	replicadesigner-handbags.net
Defendant 1097	saleshoescheap.com
Defendant 1098	topclassyhandbag.com
Defendant 1099	topdolcegabbanas.com
Defendant 1100	usachristianlouboutinoutlet.com
Defendant 1101	wholesalekfc.com
Defendant 1102	cheapreplicahandbagss.com
Defendant 1103	designerbagsmallhome8.com
Defendant 1104	chanelreplica.us ·
Defendant 1104	chanelbagsshop.com
Defendant 1104	chanelhandbagscn.com
Defendant 1105	buyreplica.us
Defendant 1106	chanelbags-onlineshop.com
Defendant 1107	clothingtomall.com
Defendant 1108	chanelshoesonline.com
Defendant 1109	chaneloutlet-bags.net
Defendant 11:0	watches-sales-online.com
Defendant 11.1	outletjc.com
Defendant 1112	wholeser.com
Defendant 1113	replicachanelhandbags.net
Defendant 1114	chaneloutlet4u.com